IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 672 OF 2003
IN
SUIT NO. 3506 OF 1990

G. Ram Construction company ....Plffs.
vs.
Chowgule and Co.Hind P.Ltd. ...Defnds.

S.H. Doctor with Mr. P. Shah with Ms. Mirajee i/b. shah and Sanghvi for the plaintiffs to show cause.

S. Jain with S. Bangur i/b. L.S. Jain for defendant in support.

CORAM: S.U. KAMDAR, J.

DATE : 20TH JULY, 2005.

P.C. :

1. Learned counsel appearing for the plaintiffs tenders the draft amendment. Amendment granted. However issue of limitation is expressly kept open to be determined at the hearing of the suit.

2. Supplementary written statement, if any to be filed within one week. In so far as the suit is concerned by consent of the parties Mr. Anirudh Joshi, Advocate is appointed as a commissioner for recording evidence subject to amendment being carried out and supplementary statement if any is filed. Commissioner to conclude the evidence on or before 3.9.2005. It is made clear that all objections raised will be recorded by the Commissioner and the same will be determined at the hearing of the suit. It is also made clear that inspite of two adjournments being granted if the witness does not made himself available the commissioner will treat the evidence of such a witness as closed and proceed with the next witness. Commissioner to file a report in this court on or before 9..9.2005.

. Matter to be placed for arguments on 12.9.2005 and on 27.7.2005 for framing issues.

. In view of the aforesaid order learned counsel appearing for the defendants seeks leave to withdraw the motion. Motion dismissed as withdrawn. No order as to costs.

sd/-‘

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